

Pursuant to Article 44 paragraph 2 item 3 of the Central Bank of Montenegro Law (OGM 40/10, 46/10, 06/13, 70/17) and Article 64 paragraph 8 of the Payment System Law (OGM 62/13), the Central Bank of Montenegro Council, at its meeting held on 30 July 2020, passed the following

DECISION

amending the Decision on the structure, more detailed conditions and the manner of transaction account opening and cancelling

Article 1

In the Decision on the structure, more detailed conditions and the manner of transaction account opening and closing (OGM 48/14, 24/16, 14/17) in Article 2 paragraph 4 shall be amended to read:

“In accordance with the law governing foreign capital and current operations:

1) Residents are:

- Business organisations and other legal persons (hereinafter: legal persons) registered in Montenegro, with the exception of their representative branches outside Montenegro;
- Foreign company branches registered with the registry of the competent authority within Montenegro;
- Entrepreneurs – natural persons registered in or with residence in Montenegro, conducting an economic activity for its own account for the purpose of gaining profit, and also registered with the competent authority in Montenegro
- Natural persons – citizens of Montenegro residing in Montenegro continuously for a year or longer;
- Natural persons – foreign citizens, who based on the residence permit or work visa, reside in Montenegro continuously for a year or longer;
- Diplomatic, consular and other representative offices of Montenegro in foreign countries, employees in these representative offices, and the members of their families who are not citizens of foreign countries.

2) Non-residents are the persons not defined as residents.”

Article 2

In Article 16 item 1, after the words “entrepreneurs” the following shall be added: “and other persons performing the activity in accordance with the regulations (hereinafter: entrepreneur)”.

Article 3

In Article 17 paragraph 2 the words: “When opening transaction accounts” shall be repealed by the following: “When opening any transaction account”.

After paragraph 3 two new paragraphs shall be added to read:

“A payment service user may submit the request for opening transaction accounts and the documents set forth in this Decision to the payment service provider referred to in Article 2 paragraph 1 of this Decision also in accordance with the law governing the electronic identification and electronic signature, respecting the regulations governing the prevention of money laundering and terrorist financing.

The request for opening transaction account and documents set forth in this Decision need not to be certified unless it is mandatory in accordance with the law, other regulation or general act.”

The current paragraph 4 shall become paragraph 6.

Article 4

After Article 18 a new Article shall be added worded as follows:

“Article 18a

Payment service providers referred to in Article 2 paragraph 1 of this Decision may cancel transaction accounts to payment service users without request for cancelling such accounts, provided that such accounts have not recorded any changes in the period of five years and provided that the balance on such accounts has been zero.”

Article 5

In Article 19 paragraph 1 item 5 the words: “stamp and” shall be deleted.

In paragraph 2 item 4 after the word “activities” a comma and the following shall be added: “which is submitted in the case where such information on classification by activities is not an integral part of the decision, document or abstract referred to in items 1, 2, and 3 of this paragraph”, and in item 5 after the word: “prescribed” a comma and the following shall be added: “which is submitted in the case where such information on classification by activities is not an integral part of the decision, document or abstract referred to in items 1, 2, and 3 of this paragraph”, and in item 8 after the word: “applicant” a comma and the following shall be added: “which is not mandatory in case where such person is present and signs the request during its submission”.

After paragraph 2 two new paragraphs shall be added worded as follows:

“The applicant shall not be required to submit the documents referred to in paragraph 2 items 1, 2, 3, 4, and 5 of this Law if the payment service provider referred to in paragraph

2 item 1 of this Decision may obtain the requested data by immediate insight in the public registry which is kept, in accordance with regulations, in the Montenegro, unless otherwise stipulated by a separate law.

The payment service provider referred to in Article 2 paragraph 1 of this Decision shall label at the statement from the registry referred to in paragraph 3 of this Article the date and the time of the insight in such registry and the name of the person that has made the insight.”

The current paragraphs 3 to 6 shall become paragraphs 5 to 8.

Article 6

In Article 20 item 6 after the word: “orders” the comma and the following: “verified by stamp to be used for the verification of the payment order” shall be deleted, and in items 8 and 9 the words: “and stamp” shall be deleted.

Article 7

In Article 21a paragraph 5 shall be amended to read:

“Payment service providers referred to in Article 2 paragraph 1 of this Decision may obtain information referred to in paragraph 2 of this Article by an immediate insight into the appropriate public registry, and they may also obtain them from the Central Bank, which shall forward the information to them from the competent authorities.”

Article 8

In Article 22 paragraph 2 item 1 indent 4 the words: “signed by authorised person, verified by the stamp to be used for the verification of payment orders” shall be replaced by the following: “which contains information referred to in Article 20 of this Decision.”

Article 9

In Article 24 paragraph 2 item 1 indent 4 the words: “signed by authorised person, verified by the stamp to be used for the verification of payment orders” shall be replaced by the following: “which contains information referred to in Article 20 of this Decision.”

Article 10

In Article 26 paragraph 2 item 1 indent 5 the words: “signed by authorised person, verified by the stamp to be used for the verification of payment orders” shall be replaced by the following: “which contain information referred to in Article 20 of this Decision.”

Article 11

After Article 26 a new Article 26a shall be added worded as follows:

“Article 26a

In the case of statutory change of merger of one bank to another, the bank to which other bank is merged (hereinafter: the acquiring bank) shall submit to the payment service user

of the bank being merged an offer for transaction account opening with that bank, no later than two months before the agreed day of merger (hereinafter: merger day).

The offer referred to in paragraph 1 of this Article shall be deemed accepted and the framework agreement of opening and maintaining the account with the acquiring bank shall be deemed concluded, unless the payment service provider, within the deadline specified in the offer, informs the bank that he does not accept the offer.

In the case when the payment service users inform the acquiring bank that they do not accept the offer referred to in paragraph 1 of this Article and do not submit the request for cancelling the transaction account to the acquired bank by the expiry of the deadline from the offer, it shall be deemed that they accepted the offer of the acquiring bank referred to in paragraph 1 of this Article.

The acquiring bank may use also, exclusively for cash inflows in favour of the payment service users, the number of the transaction account of the payment service user, in period of maximum of one year following the merger day, which is in accordance with this Decision, assigned by the acquired bank.

The acquiring bank shall direct and record cash received through the account number referred to in paragraph 3 of this Article in favour of the transaction account number of the payment service user that was assigned to him by the bank.

The provisions of paragraphs 1 to 4 of this Article shall be applied mutatis mutandis in the case of bank merger by establishing a new bank, division or de-merger of the bank with the establishment of new bank.”

Article 12

In Article 27 paragraph 1 item 3 after the words: “natural person” the following shall be added: “or other identification number from the appropriate personal document of natural person”.

Paragraph 2 shall be amended to read:

“In addition to the request referred to in paragraph 1 of this Article, the applicant shall submit for information purposes documents confirming the identity of such person and its citizenship (personal ID, passport or other appropriate personal document containing a photo of such person), whereas foreign citizen and person without citizenship shall submit also a certified copy of the permanent or temporary residence permit in Montenegro, or permit for temporary residence and work in Montenegro or other appropriate document proving its continuous residence in Montenegro in period of one year or longer.”

After paragraph 4 a new paragraph shall be added worded as follows:

“By way of derogation from paragraph 4 of this Article, payment service providers referred to in Article 2 paragraph 1 of this Decision may open transaction account also upon request of a minor – resident in cases when such persons exercise the rights as if they were of full age, in accordance with separate laws (marriage, conclusion of employment contracts, etc.).”

The current paragraphs 5 and 6 shall become paragraphs 6 and 7.

Article 13

In Article 29 paragraph 1 item 4 the words: “and a seal, if any” shall be deleted.

In paragraph 2 item 2 after the word: “applicant” a comma and the following shall be added: “which is not mandatory in case where such person is present and signs the request during its submission”, and item 3 shall be amended to read:

“3) filled specimen signature card of persons authorized for signing payment orders, which contains information referred to in Article 20 of this Decision and which has been signed by authorised person from the decision on registration of the legal person – non-resident in originating country and/or a person to which authorised person has transferred proxy, or from other legally valid document of incorporation;”.

In paragraph 5 item 4 after the word: “applicant” a coma and the following shall be added: “which is not mandatory in case where such person is present and signs the request during its submission”, and in item 5 after the word: “account” a comma and the following shall be added: “which contains information referred to in Article 20 of this Decision”.

Article 14

In Article 31 paragraph 1 after item 3 a new item shall be added worded as follows:

“3a) address of temporary residence in Montenegro, if applicable;”.

Paragraph 2 shall be amended to read:

“In addition to the request referred to in paragraph 1 of this Article, the applicant shall submit for information purposes documents confirming the identity of such person and its citizenship (personal ID, passport or other appropriate personal document containing a photo of such person), or appropriate document proving that the person is without citizenship, whereas Montenegrin citizen shall also submit an evidence confirming that it resides in Montenegro shorter than a year, and foreign citizen and a person without citizenship shall submit a certified copy of the temporary residence permit in Montenegro, or permit for temporary residence and work in Montenegro or other appropriate document proving its continuous residence in Montenegro in period shorter than one year.”

Article 15

This Decision shall enter into force on the eighth day following that of its publication in the Official Gazette of Montenegro.

THE COUNCIL OF THE CENTRAL BANK OF MONTENEGRO

Decision number. 0101-4679-4/2020
Podgorica, 30 July 2020

**CHAIRMAN
GOVERNOR,**

Radoje Žugić, m.p.